

**TRANSMITTAL OF APPEAL BRIEF (Large Entity)**

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Docket No.
ITL.0478US

EW 2154

In Re Application Of: Sanjay S. Gadkari

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/715,752	November 17, 2000	Chad Zhong	21906	2154	6968

Invention: Managing a Network of Consumer-Use Computing Devices

COMMISSIONER FOR PATENTS:

Transmitted herewith in triplicate is the Appeal Brief in this application, with respect to the Notice of Appeal filed on June 24, 2004.

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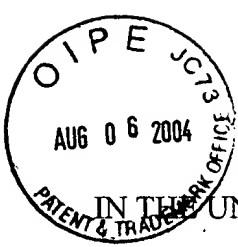
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

Sanjay S. Gadkari

§

Art Unit: 2154

Serial No.: 09/715,752

§

Examiner: Chad Zhong

Filed: November 17, 2000

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For: Managing a Network of
Consumer-Use Computing
Devices

§

Atty Docket: ITL.0478US
P10026

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APPEAL BRIEF

Sir:

Applicant respectfully appeals from the final rejection mailed April 7, 2004.

I. REAL PARTY IN INTEREST

The real party in interest is the assignee Intel Corporation.

II. RELATED APPEALS AND INTERFERENCES

None.

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III. STATUS OF THE CLAIMS

Claims 1-3, 5-13, and 15-28 are rejected. Each rejection is appealed.

IV. STATUS OF AMENDMENTS

All amendments have been entered.

V. SUMMARY OF THE INVENTION

Referring to Figure 1, a managed network 10 of consumer-use computing devices or clients 16 may provide a on-demand or persistent connection between each client 16 (only one of which is shown in Figure 1) and a server 12. In one embodiment of the present invention, the server 12 manages the operations on each of a large number of clients 16 over a network 14.

The server software 18, in accordance with one embodiment of the present invention, distributes third party processing jobs to the clients 16 in the network 10. Initially, the software 18 parses a processing job into tasks and develops task packages including code and data, as indicated in block 22. Thus, the server 12, in one embodiment, may take an overall computing job and may divide it into tasks that are amenable to being operated on at each client 16. An overall job may be divided into a number of tasks that are of sufficiently small size and require no more resources than those available on a given client 16.

Each task may then be provided as a package that may be communicated over an existing persistent communication link from the server 12 to each client 16 in one embodiment. Each package may be assigned to a particular client 16 as indicated in block 24. The client package assignments may then be logged on the server 12 with delivery times and expected completion times as indicated in block 26. See specification at page 5, line 10 through page 6, line 20.

The server 12 keeps track of which package was sent to each client 16. The server 12 may do this by maintaining a list of packages and package identities together with a corresponding identifier for the client 16 that is receiving the package. Since the available resources on the client 16 are known, the server 12 can determine an expected task completion time. For example, the server 12 may utilize system-wide average idle cycle time information to determine an expected completion time of an assigned task by any given client 16. Alternatively, the server 12 can use statistics associated with each client 16 to determine the expected completion time.

In one embodiment of the present invention, the client 16 may execute the assigned task during idle cycles. Thus, the processing job may be completed by a plurality of clients 16 using otherwise unused cycles. These unused cycles may occur at night when the client 16 is not operating or in the day when the user happens not to be using the client 16. In a multitasking environment, the task may also be completed, in some cases, when the clients 16 are doing tasks for the user or owner of the client 16.

The server 12 may establish a session with each client 16 when an available port exists as indicated in block 28. The server 12 then downloads the software and the data making up the package to the client 16 as indicated in block 30.

The server 12 may await a response from the client 16, as indicated in diamond 32, in one embodiment. When the response is received, the server 12 uploads the results from a given client 16, as indicated in block 34. See specification at page 6, line 21 through page 7, line 24.

A check at diamond 36 determines whether a predetermined time period has expired. If so, the server 12 may request client status information as indicated in block 38. In other words, the server 12 may attempt to determine why the client 16 has not completed the task within a

predetermined amount of time. In one embodiment, the predetermined amount of time is that time that the server 12 predicted the client 16 would need to complete the assigned task. Thus, the server 12 may determine if a processing error of some type has occurred which has prevented the client 16 from completing the task.

In one embodiment, the server 12 automatically requests an upload after the passage of the expected time to complete the task. In other words, in this embodiment the upload is not triggered by a client 16 task completion indication.

When a status response is received, as determined in diamond 40, the server 12 may attempt to resolve any log jams as indicated in block 42. For example if a software or hardware crash has occurred, the server 12 may attempt to remotely diagnose and resolve the problem. The server 12 may determine that a software upgrade may be needed to complete the task as another example. The server 12 may also send a message to the owner or user of the client 16 requesting completion of certain operations to determine why the client 16 is not operating as expected.

VI. ISSUES

- A. **Is Claim 1 Anticipated by Cajolet?**
- B. **Is Claim 5 Anticipated by Cajolet?**
- C. **Is Claim 6 Anticipated by Cajolet?**
- D. **Is Claim 7 Anticipated by Cajolet?**
- E. **Does Claim 8 Distinctly Claim the Subject Matter that Applicant Regards as the Invention?**

VII. GROUPING OF THE CLAIMS

Claims 2-4, 8-13, 18-24, and 26 may be grouped with claim 1 with respect to the prior art rejections.

Claims 15 and 25 may be grouped with claim 5.

Claims 16 and 27 may be grouped with claim 6.

Claims 17 and 28 may be grouped with claim 7.

VIII. ARGUMENT

- A. **Is Claim 1 Anticipated by Cajolet?**

Claim 1 calls for assigning distributed computing tasks to a network of processor-based devices and logging the tasks and the processor-based device assigned to each task.

Since Cajolet does not log the tasks that are assigned, it cannot anticipate claim 1. While a list of the systems that are utilized may be maintained, the claimed task list is not maintained in the reference.

Therefore, the rejection of claim 1 should be reversed.

B. Is Claim 5 Anticipated by Cajolet?

Claim 5 depends from claim 1 and calls for developing an estimate of the time to task completion. However, the cited material at column 3, lines 4-11, fails to teach anything about developing an estimate of the time to task completion.

Therefore, the rejection should be reversed.

C. Is Claim 6 Anticipated by Cajolet?

Claim 6 is dependent on claim 5 and calls for querying said device if no results are received after the passage of said time estimate.

None of the material cited has anything to do with querying said device if no results are received after the passage of a time estimate.

Therefore, the rejection should be reversed.

D. Is Claim 7 Anticipated by Cajolet?

Claim 7 calls for automatically requesting said results after the passage of the time estimate.

The cited reference has no teaching of automatically requesting the results after the passage of a time estimate. This is because there is no time estimate to begin with and, therefore, there could not be a requesting of the results after the passage of the time estimate.

Therefore, the rejection should be reversed.

E. Does Claim 8 Distinctly Claim the Subject Matter that Applicant Regards as the Invention?

Claim 8 is dependent on claim 1 and calls for “maintaining, from a server, the software on said devices.” The office action rejects claim 8 under Section 112, indicating that it is indefinite in its use of the phrase “said device.” However, in fact, the claims calls for the

software on said devices. Claim 1 calls for assigning distributed computer tasks to a network of “processor-based devices.” Thus, there is plainly antecedent basis for the word “devices” in claim 8.

Therefore, the rejection should be reversed.

IX. CONCLUSION

Applicant respectfully requests that each of the final rejections be reversed and that the claims subject to this Appeal be allowed to issue.

Respectfully submitted,

Date: August 3, 2004



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APPENDIX OF CLAIMS

The claims on appeal are:

1. A method comprising:

assigning distributed computing tasks to a network of processor-based devices;

and

logging the tasks and the processor-based device assigned to each task.

2. The method of claim 1 including establishing a persistent connection between at

least one of said devices and a server.

3. The method of claim 1 including subdividing a distributed computing job into

tasks and assigning each of said tasks to a different device.

5. The method of claim 1 including developing an estimate of the time to task

completion.

6. The method of claim 5 including, if no results are received after the passage of

said time estimate, querying said device.

7. The method of claim 5 including automatically requesting said results after the

passage of said time estimate.

8. The method of claim 1 including maintaining, from a server, the software on said devices.

9. The method of claim 1 including receiving the results of said task from a device and providing an acknowledgement to said device when the results are received correctly.

10. The method of claim 1 including receiving a completion message from a device and automatically establishing an upload session to receive the task results.

11. An article comprising a medium storing instructions that, if executed, enable a processor-based system to:

assign distributed computing tasks to a plurality of processor-based devices; and log the tasks and the device assigned to complete said task.

12. The article of claim 11 further storing instructions that enable the processor-based system to establish a persistent connection between at least one of said devices and said system.

13. The article of claim 11 further storing instructions that enable the processor-based system to subdivide a distributed computing job into tasks and assign each of said tasks to a different device.

15. The article of claim 11 further storing instructions that enable the processor-based system to develop an estimate of the time to task completion.

16. The article of claim 15 further storing instructions that enable the processor-based system to query a device if no results are received after the passage of said time estimate.

17. The article of claim 15 further storing instructions that enable the processor-based system to automatically request said results after the passage of said time estimate.

18. The article of claim 11 further storing instructions that enable the processor-based system to maintain the software on a device.

19. The article of claim 11 further storing instructions that enable the processor-based system to receive the results of a task from a device and provide an acknowledgement to said device when the results are received correctly.

20. The article of claim 11 further storing instructions that enable the processor-based system to receive a completion message from a device and automatically establish an upload session to receive the task results.

21. A system comprising:
a processor-based device; and
a storage coupled to said processor-based device storing instructions that, if executed, enable said device to operate a managed network of consumer-use processor-based clients, assign distributed computing tasks to said clients, and log each task and the device assigned to complete said task.

22. The system of claim 21 wherein said system is a server.

23. The system of claim 22 wherein said server is a system management server.

24. The system of claim 21 wherein said processor-based device has a persistent connection with at least one consumer-use processor-based client.

25. The system of claim 21 wherein said storage stores instructions that enable said processor-based device to divide a distributed computing job into a plurality of tasks, assign said tasks to specific processor-based clients, and estimate the time to complete said job by said clients.

26. The system of claim 21 further storing instructions to develop an estimate of the time to task completion.

27. The system of claim 21 further storing instructions that, if no results are received after the passage of said time estimate, querying said device.

28. The system of claim 26 further storing instructions to automatically request said results after the passage of said time estimate.